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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,997	08/22/2003	Vernon Brent Barnes	00568-292384	8675

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EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,997

Applicant(s)

BARNES ET AL.

Examiner

Carlos Lopez

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected. ____
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 IDS'S</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7-10, 14, 12, 16-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Amato et al (US 5,003,915). D'Amato discloses an apparatus for applying an additive material from reservoir (69) to a paper web (11). As shown in figure 3, first roller 71 receives additive from reservoir 69, transfers it to second roller 73, which then transfers it to third roller 61 having protruding dies 65 in contact with paper 11.

As for claims 3, 7, 12 and 16, the "inside major surface" is deemed as the surface in contact with protruding dies 65 and the other side of the paper is deemed as the "outside major surface."

As for claims 8, the claimed means for contacting the third roller with the second roller and means for contacting the third roller with the paper web is deemed as the shaft holding in place the rollers shown in figure 3.

Art Unit: 1731

As for claim 9, the protrusion dies 65 are spaced in a pattern as shown in figure 3.

As for claim 10, the claimed means for supplying the additive material to at least a portion of the roll face of the second roller is deemed as reservoir 69, the means for transferring some of the additive material on the roll face of the second roller to the third roller is deemed as the shaft holding in place the second roller, and the means for providing transfer of the additive material of the roll face of the third roller to the paper web is deemed as protrusion dies 65.

As for claim 14, the claimed bobbin is deemed as element 27 and the claimed "garniture region" is deemed as the region formed by element 39. The phrase "garniture region" is being deemed as any region or place without any structural feature.

As for claims 17, the claimed means for contacting the third roller with the second roller and means for contacting the 2nd roller with the first roller is deemed as the shaft holding in place the rollers shown in figure 3.

As for claims 19-21, the apparatus D'Amato provides the claimed method steps.

Claims 1-17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by West et al (US 3,412,707). West discloses an apparatus for applying an additive material (W) to a paper web (S). As shown in figure 1, first roller 14 receives additive material supplied by from reservoir 20, transfers it to second roller 12, which then transfers it to third roller 11 having protruding dies 11a in contact with paper S and in roll

Art Unit: 1731

contact with a fourth roller 10 to allow for the paper S to be between the roll faces of the 3rd and 4th rollers.

As for claims 3-4, 7, 12-13 and 16, the "inside major surface" is deemed as the surface in contact with protruding dies 11a and the other side of the paper is deemed as the "outside major surface."

As for claims 8, the claimed means for contacting the third roller with the second roller and means for contacting the third roller with the paper web is deemed as the shaft holding in place the rollers shown in the figure.

As for claim 9, the protrusion dies 11a are spaced in a pattern as shown in the figure.

As for claim 10, the claimed means for supplying the additive material to at least a portion of the roll face of the second roller is deemed as reservoir 20, the means for transferring some of the additive material on the roll face of the second roller to the third roller is deemed as the shaft holding in place the second roller, and the means for providing transfer of the additive material of the roll face of the third roller to the paper web is deemed as protrusion dies 11a.

As for claim 14, the claimed bobbin is deemed as the paper source reel providing a continuous paper (S) and the claimed "garniture region" is deemed as an arbitrary region that is between the bobbin and the paper web source. The phrase "garniture region" is being deemed as any region or place without any structural feature.

Art Unit: 1731

As for claims 17, the claimed means for contacting the third roller with the second roller and means for contacting the 2nd roller with the first roller is deemed as the shaft holding in place the rollers shown in the figure.

As for claims 19-21, the apparatus West provides the claimed method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amato et al (US 5,003,915) or West et al (US 3,412,707) in view of Hall (US 4,174,720).

D'Amato and West are silent disclosing the first roller having a groove across the width of the roll face and circumscribing the roll face. However, Hall teaches that a groove is placed on the first roller in order to receive the additive material (Col. 6, lines 50ff). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the first rollers of D'Amato and West with a groove across the width of the roll face and circumscribing the roll face in order to allow for the additive material stay on the roll face as taught by Hall.

Art Unit: 1731

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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